

Notice of Allowability

Application No.

10/782,151

Examiner

Brian Nash

Applicant(s)

DWORAK ET AL.

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to phone conversation 2-25-05.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/18/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Examiner's Comments

1. This action is in response to phone conversation with applicant's attorney on 25 February 2005.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the current drawings are informal and contain hand-written element numbers. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tom Menard at 860-527-9211 on Friday 25 February 2005.

The application has been amended as follows:

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In claim 1, lines 10-11 were replaced with --portion; and--;

In claim 12, lines 10-11 were replaced with --portion parallel to a longitudinal axis of the anvil; and--;

In claim 12, line 19, "meeting" was replaced with --intersecting--;

Claim 15 was replaced with --The staple forming anvil of claim 12, wherein the intersecting guide surfaces define an obtuse included angle.--.

Reasons For Allowance

4. The following is an examiner's statement of reasons for allowance: regarding claims 1-11, the prior art of record fails to anticipate or obviate in combination a staple forming anvil having first and second substantially identical leg-forming cups defining longitudinally spaced apart leg-receiving portions and adjacent leg-clinching portions, each cup comprising: a concave arcuate clinching surface extending between the leg-receiving portion and the leg clinching portion and laterally spaced apart guide surfaces extending upwardly and outwardly from the clinching surface, a laterally outward-most portion of the guide surfaces being substantially planar, and wherein the outward-most portions of laterally adjacent guide surfaces intersect.

Regarding claims 12-19, the prior art of record fails to anticipate or obviate the invention for the same reasons above and additionally because the invention comprises an improvement wherein the leg-receiving portions of at least one row of pockets have a lateral width that is at least 25% greater than a lateral width of the leg-clinching portions of pockets in the same row. Regarding claims 20-30, the prior art of record fails to anticipate or obviate in combination a staple forming anvil having a plurality of staple forming pockets arranged in laterally adjacent

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parallel rows, each pocket including a pair of longitudinally aligned staple leg-forming cups, each cup defined by an arcuate clinching surface extending between a descending leg-receiving cup portion and an ascending leg-clinching cup portion and a laterally spaced apart pair of partially planar guide surfaces extending upwardly and outwardly from the clinching surface, the cups arranged with the ascending cup portions abutting each other in a center of each pocket, and wherein the rows are staggered such that the clinching cup portions of a pocket in one row are laterally adjacent to the receiving cup portions of pockets in an adjacent row and laterally adjacent guide surfaces meet to define a ridge.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Racenet et al, Milliman et al, Bolanos et al and Knodel et al are cited to show related references.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467.

The official fax number for this Group is: 703-872-9306

Brian Nash
25 February 2005


Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700